

Procurement Commission (PC), Comptroller (COT), and/or Fiscal Review Committee (FRC) Contract Approvals & Filings Required per Public Chapter 403 Effective July 1, 2013				
COT/PC or FRC	Contract Type	Statutory Authority	Type of Action	Time Frame
PC	Draft rules, regulations, policies, practices related to procurement	§ 4-56-102(a)(3) and throughout	PC review, comment, recommend changes	Before forwarding to the Secretary of State
PC & COT	Delegated Authorities	§ 4-56-105(6)	PC Approve COT Approve	
COT & FRC	Noncompetitive Contracts (negotiation with a single service provider)	§ 4-56-107(a)	All requests shall be contemporaneously filed with CPO, COT, and FRC	
FRC	Proposed noncompetitive contracts with a term greater than one (1) year, or which can be extended beyond one (1) year, and having a cumulative value of at least \$250,000	§ 4-56-107(b)(1)(A)	FRC Review: FRC has 40 business days/60 calendar days to comment.	Contract may be executed after 40 business days or waiver of 40-business day period
FRC	Any amendment to any contract with a term greater than one (1) year, or which can be extended beyond one (1) year, and having a cumulative value of at least \$250,000 where the amendment: <ol style="list-style-type: none"> Increases or decreases the maximum liability; Extends or shortens the contract term; Changes the entity or entity name with which the State is contracting; or Otherwise changes an original contract or amended contract in a substantive manner. 	§ 4-56-107(b)(1)(B)	FRC Review: FRC has 40 business days/60 calendar days to comment	Contract may be executed after 40 business days or waiver of 40-business day period
FRC	The procurement office shall file a goods and	§ 4-56-107(b)(5)(B)	CPO shall file report quarterly	Quarterly

	services contract report quarterly with the fiscal review committee. The report shall list contracts approved in accordance with rules authorized by § 4-56-103 during the prior quarter and detail whether each contract procurement was competitive			
FRC	Each procuring agency granted a special delegated authority, pursuant to the rules authorized by § 4-56-103, to establish goods and services contracts shall report to the FRC a list of all contracts awarded under the delegated authority	§ 4-56-107(b)(5)(C)	Each procuring agency shall report quarterly to FRC	Quarterly
FRC	TDOT shall report to the FRC on approved highway and road improvement contracts that would otherwise meet the requirements of (b)(1)	§ 4-56-107(b)(5)(D)	TDOT shall report within thirty (30) days of approval	Within 30 days of approval
FRC	The SBC shall report to the FRC on contracts it has approved that would otherwise meet the requirements of (b)(1) within 30 days of approval	§ 4-56-107(b)(5)(E)	SBC shall report to the FRC within thirty (30) days of approval	Within 30 days of approval
COT	The COT shall review and approve such procurements, contracts, grants, and other related documents prior to the public posting, after posting amendments, after recommendation for award, and prior to execution of the contract for: <ol style="list-style-type: none"> 1. Delegations 2. Goods/Svc under both SBC & CPO authority 3. Auditing Services 4. Cooperative Agreements 	§ 4-56-108	COT Approve procurements/contracts	prior to the public posting, after posting amendments, after recommendation for award, and prior to execution of the contract

	<ul style="list-style-type: none"> 5. Fee for service w/max liab>\$5,000,000 6. Grant K's w/max liab>\$5,000,000 7. Information Systems/Technical infrastructure >\$500,000 8. Negotiation permitted >\$250,000 9. Revenue 10. No Cost 11. Term > 60 months 12. Limitation of Liab. Term <2x the maximum liability 13. Changes to records, annual report or monitoring provisions 14. Where standard contract clause subject to negotiation 15. Cost proposal evaluated same time as Technical 16. Automatic price escalator term 17. Others as directed 			
COT	Cancellation of procurements or rejection of all responses. The reason shall be filed with the COT within three (3) business days	§ 4-56-108(c)	File reason with COT	3 Business Days
COT	Any protest received by the CPO or the PC shall be filed with the COT within three (3) business days of receipt. Also, all responses to the aggrieved respondent regarding the protest shall be filed with the COT at the same time provided to the aggrieved respondent	§ 4-56-108(d)	CPO/PC File with the COT	3 Business Days

COT	When a question if CPO or SBC approval - Agreement reached by the CPO and the State Architect, subject to approval of the COT	§ 12-3-102(a)(4)	COT approval of CPO/State Architect's decision as to correct forum for approval (SBC or CPO)	
COT	By April 1 of each year, each State agency shall compile and submit to the CPO and the COT, a written acquisition plan for the upcoming fiscal year	§ 12-3-301	Each State agency file with CPO & COT fiscal year acquisition plan	Before April 1 of each year
COT	Contracts for auditing services shall be approved by the COT	§ 12-3-303(a)(2)	COT approval contracts for auditing services	
COT	Procurements , contracts, grants, and other documents subject to COT approval pursuant to § 4-56-108 or otherwise required by law	§ 12-3-303(a)(5)	COT approval for other contracts	
COT	Any State agency, when entering into contracts with any organizations that agree to provide services to third parties, shall be subject to approval by the CPO and the COT which shall also approve guidelines for such organizations	§ 12-3-305(b)	COT and CPO approval of agency such guidelines.	
COT	The COT shall review and approve delegations (authorized by the CPO to State agencies to procure) as required by PC policy	§ 12-3-401(a)	COT approval of delegations pursuant to PC policy	
COT	Whenever the CPO approves the rejection of all responses for a certain solicitation, the CPO shall file a notice of such action with the COT	§ 12-3-502(b)	CPO shall file a notice with COT	
COT	Correction or withdrawal of inadvertently erroneous responses, before or after award, or cancellation of awards or contracts based on such mistakes, shall be permitted with approval of	§ 12-3-502(d)(1)	CPO shall approve and file with COT	

	the CPO. All cancellation of awards or contracts shall be filed with the COT			
COT	All decisions to permit the correction or withdrawal of responses, or cancel awards or contracts based on response mistakes, shall be supported by a written determination made by the CPO and such determination shall be filed with the COT	§ 12-3-502(d)(3)	CPO determination shall be filed with the COT	
PC	Rules relating to informal solicitations for up to \$50,000	§ 12-3-503(a)	PC approval of rules	
PC	Rules relating to small purchases for up to \$10,000	§ 12-3-503(b)	PC approval of rules	
PC	Rules for single-source procurements	§ 12-3-504	PC approval of rules	
COT	Each use of competitive negotiation shall be subject to approval by the CPO and the COT	§ 12-3-507	COT approval of competitive negotiation	
COT	The Chief Procurement Officer's final determination of a protest shall be submitted to the protestor, the protest committee, and the COT	§ 12-3-514(d)(3)	Submit to COT and protest committee	Protest must be resolved within 60 calendar days after receipt of protest
COT	State shall be entitled to audit books of contractors and subcontractors. This is a required contract provision that can only be amended or removed with COT approval in writing	§ 12-3-602(c)	COT written consent to remove provision	
COT	Modification by contract of cost principles approved by the PC must be reported to the COT	§ 12-3-603	Report to COT	
COT	Limitation of liability of a contractor to an amount less than two (2) times the value of the contract – COT approval required	§ 12-3-701(b) & (c)	COT Approval	
PC	If contract allowed to continue that should be	§ 12-4-104(d)(1)(B)	PC approval	

	void due to impropriety of EE or contractor, must have PC approval			
COT	If contract allowed to continue that should be void due to impropriety of EE or contractor. CPO and COT shall be notified immediately upon a determination that a contract	§ 12-4-104(d)(2)	CPO & COT notified	Immediately upon determination of violation